

## **REMARKS**

Claims 1 - 11 are pending in the application. Claims 5, 6, and 7 have been amended. Claim 4 has been deleted, and new claims 9-11 have been added. Based on the amendments and remarks below, Applicant respectfully requests reconsideration and further examination pursuant to 37 C.F.R. §1.111. Applicant additionally requests allowance of the claims at an early date.

### **Claims**

Applicant has amended the claims to clarify the nature of the invention in Claims 5-7. The claims are method claims, however they were dependent from apparatus claims. Thus, Applicant has amended Claims 5-7 to depend from the independent, newly added method Claim 11. In addition, Applicant has added independent Claims 9 and 10. All claim amendments are within the scope of the originally disclosed invention and supported by the original specification and original claims.

### **Drawings**

The Examiner objected to the drawings under 37 CFR 1.83(a) because they failed to show every detail as described in the specification. Submitted herewith are substitute drawing pages that reflect elements numbered to correspond with the elements described in the specification. No new matter has been added.

### **Specification**

The specification has been amended to clarify the different elements that comprise the invention. No new matter has been added. Rather, identifying numerals have been incorporated into the specification so as to correspond with the numbered elements within the drawings.

### **Claims Rejections – 35 USC § 112**

Claim 6 was rejected under 35 USC § 112, second paragraph, on the grounds that “HRSG” lacks an antecedent basis. Applicant has amended Claim 6 to provided such antecedent basis. Thus, the Examiner is respectfully requested to withdraw this rejection.

### **Claims Rejections – 35 USC § 102**

The Examiner has rejected Claim 1 under 35 USC § 102 as being anticipated by Kalitventzeff et al., U.S. Pat No. 6,189,310 (“the ‘310 Patent”). The Examiner stated that the ‘310 Patent discloses “a system comprising of at least one industrial gas turbine and at least one aeroderivative gas turbine.” Applicant respectfully traverses this rejection on the grounds that the ‘310 Patent teaches a system that utilizes, on occasion, *either* an industrial gas turbine *or* an aeroderivative gas turbine, but not both as claimed by Applicant.

In the Examiner’s rejection, the Examiner did not make specific reference to where the ‘310 Patent teaches the elements relied on by the Examiner. Applicant respectfully requests that the Examiner specifically indicate where in the ‘310 Patent teaches a system that utilizes both an industrial gas turbine and an aeroderivative gas turbine. Applicant has carefully reviewed the ‘310 Patent and can find no such teaching. Rather, the ‘310 Patent only teaches industrial gas turbines and aeroderivative gas turbines *in the alternative*.

More specifically, the ‘310 Patent teaches that various types of power turbines can be fueled by partially oxidized gas. Col. 3, Lines 35-40. The focus of the reference is the use of partially oxidized fuel in the power generation process. Col. 4, Line 47. The reference teaches that among the types of power turbines with which the process can be used are industrial gas turbines *or* aeroderivative gas turbines. Col. 3, Lines 57-62. At Col. 5, Line 1, it is clear that the teachings are intended to facilitate the conversion of commercial aeronautical-type or industrial-type gas turbines for use with partially oxidized fuel. At Col. 8, lines 8-11, the reference states that “the reactors 107, 207, 307 are adapted to the applications, in particular to aeronautical-type, industrial or specific-design gas turbines, respectively.” The Examiner is directed to the Figures

2, 8 and 16 of the '310 Patent where each of these aeronautical-type, industrial or specific-design gas turbines are shown separately—not in combination as claimed by Applicant. Rather, it appears the different types of turbines are mentioned in the '310 Patent because they require different types of modifications in order to utilize partially oxidized fuel. See Col. 11, Lines 64-67. In fact, it is noted in the claims, and specifically Claims 22 – 24 that these types of turbines are each recited separately in the claims of the '310 Patent.

The novelty of the Applicant's invention is the use of both types of turbines in combination so as to be able to utilize the advantages of each type of turbine during different stages of operation of the power generation system.

In short, there is simply no teaching in the '310 reference that combines an industrial gas turbines *and* an aeroderivative gas turbine as claimed by the Applicant. Nor is such a combination suggested. As such, the '310 Patent does not anticipate Claim 1 of the application. The Examiner is respectfully requested to withdraw the rejection.

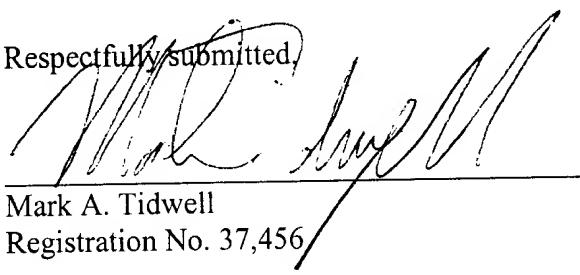
#### **Claims Rejections – 35 USC § 112**

The Examiner has rejected Claims 2-8 under 35 USC § 103 as being unpatentable over the '310 Patent in view of Briesch et al., U.S. Pat. No. 5,442,908 ("the '908 Patent"). In making this rejection, the Examiner relied on the '310 Patent for the teachings of an industrial gas turbine and at least one aeroderivative gas turbine as claimed by Applicant. The Examiner relied on the '908 Patent only for the various further claim limitations arising in the dependent claims 2-8. Applicant respectfully traverses this rejection on the grounds that the '310 Patent teaches a system that utilizes, on occasion, *either* an industrial gas turbine *or* an aeroderivative gas turbine, but not both as claimed by Applicant. The '310 Patent neither teaches nor suggests the combination of an industrial gas turbine and at least one aeroderivative gas turbine. As such, the Examiner cannot properly rely on the '310 Patent in a rejection under 35 USC § 103. For this reason, the rejection of Claims 2-8 should be withdrawn.

### Conclusion

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested. Pursuant to the recent amendments to 37 CFR § 1.121, Applicant has attached hereto copies of those claims being amended and the amendment to the specification with the changes shown.

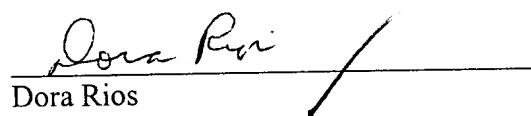
Respectfully submitted,

  
\_\_\_\_\_  
Mark A. Tidwell  
Registration No. 37,456

BRACEWELL & PATTERSON, L.L.P.  
P. O. Box 61389  
Houston, Texas 77208-1389  
(713) 221-1529

### CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence and its attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on January 7, 2002.

  
\_\_\_\_\_  
Dora Rios